

REMARKS

In this Amendment, Applicant has cancelled Claims 23, 25, 38, 40 without prejudice or disclaimer, amended Claims 20 – 22, 24, 27, 30, 32 – 35, 37, 41 and 43, and added Claims 44 and 45 to overcome the rejections and further specify the embodiments of the present invention. In addition, replacement drawing Figs. 1 – 2 have been submitted. It is respectfully submitted that no new matter has been introduced by the amended claims and drawing. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

DRAWING OBJECTION:

The application has been objected to as lacking labels.

It is respectfully submitted that replacement drawing Figs. 1 – 2 have been amended to add labels. No new matter has been added to the drawing. Therefore, the objection has been overcome and withdrawal of objection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112 SECOND PARAGRAPH:

Claims 20 – 42 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is respectfully submitted that the rejections have been overcome by this amendment. More specifically, Applicant has cancelled Claims 23, 25, 38, 40 without prejudice or disclaimer, and amended Claims 20 – 22, 24, 27, 30, 32 – 35, 37, 41 and 43 to overcome the rejections and further specify the embodiments of the present invention. The amended claims have overcome the informalities indicated by the Examiner.

For Claim 27, Applicant respectfully submits that it depends on Claim 20, not Claim 24 as alleged by the Examiner.

Therefore, the rejection under 35 U.S.C. § 112, second paragraph, has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112 FIRST PARAGRAPH:

Claims 23 has been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to satisfy the written description requirements.

It is respectfully submitted that the rejections have been overcome by this amendment. More specifically, Claim 23 has been cancelled without prejudice or disclaimer. Thus, the rejection is moot.

Therefore, the rejection under 35 U.S.C. § 112, first paragraph, has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, first paragraph, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103 (a):

Claims 20 – 21, 23, 25 – 34 and 35 – 42 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Lee (US 7,065,196) in view of Martin (US WO 00/35178). Claim 22 has been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Lee in view of Martin and further in view of Trell (US 5,046,083). Claims 24 and 35 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Lee in view of Martin further in view of Trell (US 3,947,641).

Applicant traverses the rejection and respectfully submits that the embodiments of present-claimed invention as amended are not obvious over the cited references. At first, Claims 23, 25, 38 and 40 have been cancelled. Therefore, the rejection to these claims is moot. In addition, Applicant respectfully submits that a person of ordinary skill in the art would not combine the teachings of Lee with Martin because the combination is not practical. Even if it is technically feasible, the combination is redundant because Lee already includes a Martin equivalent and such an add-on feature in Martin does not provide any benefit.

More specifically, Lee partly discloses a system to open a gate, wherein the pre-authorized person uses his own mobile telephone to contact the telephone unit that is in communication with a control unit that grants the same mentioned person the access, based on the incoming telephone number (see Fig. 1, Box 32 with associated boxes, and Col. 4, lines 19 – 28). Furthermore, it is respectfully submitted that Lee itself in substance is a mere physical aggregate/combination of Trell (US 3,947,641) and Martin, without reaching or suggesting the features of the present invention. To the contrary, without the benefit of hindsight, Lee is the evidence of what one of ordinary skill in the art would arrive at with such combination by simply and separately maintaining respective Trell-Martin features, limitation and disadvantages.

Thus, the “Trell” component in Lee (see Fig. 1 excluding box 32 and boxes 16, 26, 28 for basic function, as well as general description in Lee) does exactly what Trell does by requiring similarly expensive and vandal proof installation, components, etc. This is costly in calling fees during use, which is a drawback that the present invention seeks to overcome. Regarding resident’s (B-replier’s) opening control command for opening the gate for the access of visitors, it is shown in Fig. 3 “for featuring the efficacy of the entrance intercom system ... etc.” (see Col. 4, lines 59 through Col. 5, lines 1 – 4). It is indisputably clear that the resident’s opening control command takes place in that very phone call (step 108), most certainly over the established speech channel, e.g. by DTMF, “beeper”, voice command. Although Lee is vague on this point, according to box 30 (see Fig. 1), this is exactly what Trell does in a similar situation. Thus, the remarks in

previous response still apply here (see pages 8 – 10 of previous response dated September 5, 2008).

In the absence of methodology provided by the present invention, the “Martin” component in Lee (see Fig. 1, box 32 with associated boxes and Col. 4, lines 19 – 28) is confined to do exactly Martin does in a corresponding situation, namely unlocking a door for only a previously authorized party (resident) when called up by that party’s mobile telephone having a stored (authorized) number (see Martin, page 4, lines 22 – 27). Again, the remarks of previous response apply here.

While Lee is a “man-to-man” entrance intercom system, it is useful to comment on the (man/)machine-to-machine access control. The paragraph from line 28 of page 4 of Martin can generally answer Examiner’s queries in the page 3, line 4 of the Office Action. There is generally no way a machine can surely know the credential of a mobile phone except its address and number. The problem is that a stolen mobile phone also usually carries its telephone number (SIM-card). Even if it is illegally used, a machine cannot know that it is stolen and must allow access. Solving this problem is one of the ground-breaking advantages of the present invention by introducing an intermediary scrutinizing, evaluating and eventually granting third party, the B-replier, to assist in preventing such abuse, and, occasionally help non-preauthorized visitors without mobile phones (see page 4, second paragraph, lines 8 – 12 of the specification). In addition, it is also helpful and practical to use a complementing means, such as PIN code for sensitive numbers, e.g. mobile telephone. The mobile phone is a part of the system in the sense that it actively participates in the operation.

Martin recognizes and tries to defend this vulnerability (see page 4, from line 28). However, in doing so, it is severely limiting the usefulness of its system for occasional visitors. For instance, its vending machine (see page 6, lines 7 – 16) must have a very limited clientele, since a customer has to be pre-authorized/registered. In addition, visitors must always use mobile telephones. All Martin’s transactions of directly mobile phone-to-mobile phone ((man/)machine-to-machine) are conducted without any

involvement of a third party (e.g. B-replier) and via the telephone network/base station in order to get the CLIP needed for effectuation. For instance, no “cradle” or other means for near communication situation that is helpful to occasional visitors can occur in Martin.

In other words, Applicant concludes and submits that the two components in Lee do not cooperate with each other. The “Trell” component does it all alone the “Trell” way and the “Martin” component just provides the residents a quite superfluous alternative to the dialing keyboard (box 22) that at least in Trell (box number selector in the drawing, Col. 6, lines 11 – 12 and Col. 8, lines 49 – 51) can be used for code lock entry for the authorized person (resident).

Applicant respectfully submits that the present invention provide a useful, advantageous and profitable solution to the problems in prior art. While a Lee or Trell hardware installation cost is quite high for an installation, the present invention is very low in cost of installation. In addition, the yearly calling fee is also much higher in Lee than the present invention. At the same time, under the present invention, the telephone company still can have good business in connection and yearly subscription fees from the resident. The calling fees are now paid by visitors who make the phone call and those B-repliers that have the access accomplishing device.

The amendment “grant said visitor the requested access” in step (b) of Claim 20 and the features “initiate said requested access”, “for initiating said requested access” and “said requested access” in these last three elements of Claim 27 are fully supported by the specification of the present invention. These features are not shown or suggested by Lee or any other prior art references.

Regarding Examiner’s rejection of Claim 22 (see Point 7 on page 11 of Office Action), it is respectfully submitted that, in Trell (see Col. 3, lines 27 -- 40), it is the system, not the tenant, that can act (call) differently depending on the time of the day or night.

Regarding Examiner's rejection of Claim 24 (see Point 8 on page 11 of Office Action), it is respectfully submitted that, in Lee (see Col. 6, lines 20 -- 35), it talks about time; while in Trell (see Col. 5, lines 21 – 33), it is the called party, not the visitor, who can do something during a predetermined period of time.

Furthermore, according to Lee, "FIG 3 is a flowchart showing the operating procedures of the entrance intercom system" (see Col 3, lines 4-5). In conjunction with the text on Col 5, lines 2-3 and the flow chart itself, Lee clearly shows that the resident can unlock the door only in box 108 that is over the actual call's open line, since there is no other place than that provided in the chart showing the operating procedures of the entrance intercom system, where, of course, opening for the visitor is the most significant and vital part. Thus, in this situation, the resident cannot use caller ID, as previously showed.

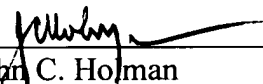
In summary, none of the cited referenced alone or in combination suggests or discloses the present invention as claimed. Therefore, the rejection under 35 U.S.C. § 103 has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

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